Sup. Ct. 394. Private employment agencies are regulated by statute in at least thirteen states and such statutes have been upheld, the purpose of preventing fraud being a sufficient justification for the exercise of the police power. *Brazee v. Michigan* (1916) 241 U. S. 340, 36 Sup. Ct. 561. The Washington statute purports to regulate private employment agencies but it was alleged that its actual operation would practically prohibit them, as such agencies could scarcely exist without the privilege of collecting fees from those seeking employment. Yet, have such agencies any constitutional right to exist? There seems to have been ample evidence of such evils as would render them fit subjects for the police power; and it was primarily for the state legislature to determine how drastic a remedy was necessary. The statute is not arbitrary according to the test laid down in *Lindsley v. Natural Carbonic Co.* (1911) 220 U. S. 61, 31 Sup. Ct. 337. It is submitted that the dissenting opinion of Mr. Justice Brandeis, remarkable for its modern method of approach and comprehensive marshalling of social data, presents the better view and is more in line with the recent progressive policy of the Supreme Court, which has affirmed with but rare exception state statutes intended to advance "social justice."

S. J. T.

CONSTITUTIONAL LAW—DUE PROCESS OF LAW—ORDER OF RAILROAD COMMISSION.—The plaintiff railroad having cut down its local passenger service as a war economy measure, was, after a hearing by the State Railroad Commission, ordered to operate additional trains. It appeared that the traffic would not pay a reasonable profit over cost of operation. *Held,* that such a regulation was a violation of the due process clause of the Fourteenth Amendment to the Federal Constitution. *Mississippi R. R. Com. v. Mobile & Ohio R. R.* (1917) 37 Sup. Ct. 602. See COMMENTS, p. 121.

CONSTITUTIONAL LAW — INTERSTATE COMMERCE — FEDERAL EMPLOYERS' LIABILITY ACT EXCLUDING STATE LEGISLATION.—The plaintiff, while in the employ of a railroad company engaged in interstate commerce, suffered personal injuries without negligence on the part of the company. The Federal Employers' Liability Act (Comp. Stat. 1916, §§8657-8665) regulated the liability of such railroad companies to their employees in cases involving negligence, but did not impose any liability in the absence of negligence. The New York Workmen's Compensation Act (N. Y. Laws 1913, ch. 816; Laws 1914, ch. 41 and 316) provided that employees might recover for injuries received in the course of their employment, without regard to the negligence of the employer. *Held,* that the plaintiff could not have the benefit of the New York act since the Federal act was exclusive. Brandeis and Clarke, JJ., *dissenting. New York Cent. R. R. Co. v. Winfield* (1917) 37 Sup. Ct. 546.

This decision reverses the holding of the New York Court of Appeals in *Winfield v. New York Cent. R. Co.* (1915) 216 N. Y. 284, 110 N. E. 614, which was adversely criticised in (1916) 25 YALE LAW JOURNAL, 497. For a discussion of a recent Supreme Court decision still further narrowing the field of state legislation of this character, see COMMENTS, next month.